

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

09/912472 09/912472

Sir:

Transmitted herewith for filing is the reissue application of

Inventor(s): Ma

Mark F. McCarty

U.S. Patent No.:

5,929,066

Issued:

February 2, 1999

For:

CHROMIUM/BIOTIN TREATMENT OF TYPE II DIABETES

Enclosed are:

- (X) Original patent deed, U.S. patent no. 5,929,066.
- (XI) Reissue Preliminary Amendment and Statement Under 37 C.F.R. 1.173(c).
- (X) A single-sided copy of the specification, claims, and abstract.
- (X) Reissue Declaration by inventor.
- (X) Assent of Assignee to Reissue and Statement Under 37 CFR 3.73(b) with copy of Agreement of Merger and copy of previously recorded assignment.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Reissue Application Fee Determination Record.
- (X) Return prepaid postcard.
- (X) A check in the amount of \$531 to cover the filing fee is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

Richard E. Campbell
Registration No. 34,790
Attorney of Record



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Assistant Commissioner for Patents Washington, D.C. 20231

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. :

NUTRI.018RA

Applicant(s)

Mark F. McCarty

For

CHROMIUM/BIOTIN

TREATMENT

OF

TYPE II DIABETES

Attorney

Richard E. Campbell

"Express Mail"

Mailing Label No.

EL 842763782

Date of Deposit

July 24, 2001

I hereby certify that the accompanying Transmittal with a single-sided copy of the specification, claims, and abstract; Original Patent Deed; Reissue Preliminary Amendment and Statement Under 37 C.F.R. 1.173(c); Reissue Declaration by Inventor; Assent of Assignee to Reissue and Statement Under 37 CFR 3.73(b); Verified Statement Claiming Small Entity Status; Reissue Application Fee Determination Record; Check for Filing Fee; Return Prepaid Postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

S:\DOCS\REC\REC-5758.DOC\072401

Docket No.: NUTRI.018RA

Date: July 24, 2001

REISSUE APPLICATION FEE DETERMINATION RECORD

		CLAIMS AS FIL	ED - PART I		
		MBER FILED IN ISSUE APPLICATION	NUMBER EXTRA	RATE	FEE
BASIC FEE					\$355
TOTAL CLAIMS	10			\$9	\$0
INDEP. CLAIMS				\$40	\$0
	ТО	TAL FILING FEE			\$355
		CLAIMS AS AMEN	NDED - PART	II	
FOR	CLAIMS REMAIN		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26	minus 20	6 =	\$9	
-					\$56
INDEP. CLAIMS		minus 2	3 =	\$40	\$56 \$120
INDEP. CLAIMS		minus 2 TOTAL ADDIT	IONAL FEE	\$40	

- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.
- (X) A check in the amount of \$531 to cover the filing fee is enclosed.
- (X) Return prepaid postcard.

TOTAL FEES:

Richard E. Canapbell Registration No. 34,790 Attorney of Record 531

Date: July 23, 2001

NUTRI,018 RA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application for Reissue of:					
Applicant	:	Mark F. McCarty)) `		
U.S. Patent No.	•	5,929,066)))		
Issued	:	July 27, 1999	/) ነ		
Appl. No.	•	09/110,511)))		
For		CHROMIUM/BIOTIN TREATMENT OF TYPE II DIABETES	/))))))		

ASSENT OF ASSIGNEE TO REISSUE AND STATEMENT UNDER 37 CFR 3.73(b)

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee, NUTRITION 21, LLC ("Assignee"), a New York Limited Liability Company, with its principal place of business at 4 Manhattenville Road, Purchase, NY 10577.

Assignee hereby assents to the accompanying application for reissue of the above-identified letters patent.

In accordance with 37 CFR 3.73(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified letters patent by virtue of a merger with the owner of record which received an assignment from the inventor of said letters patent. The assignment from the inventor to the owner of record is recorded in the U.S. Patent and Trademark Office at Reel 9304, Frame 0982, copy attached. The agreement of merger between the owner of record and the assignee is attached herewith.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Benjamin T. Sporn Typed or printed name

Senior Vice President and Secretary Title

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